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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Allen Carl
Serial No.: 10/653,692
Filed: 09/02/2003
For: SELECTIVE DELIVERY OF CRYOGENIC ENERGY
TO INTERVERTEBRAL DISC TISSUE AND
RELATED METHODS OF INTRADISCAL
HYPOTHERMIA THERAPY

Group Art Unit: 3739
Examiner: Michael F. Peffley
Attorney's Docket No.: CARL-1 CON

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED
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July 14, 2006

(DATE OF DEPOSIT)

Margaret M. Slezak

(NAME OF ATTORNEY)

Margaret M. Slezak

(SIGNATURE)

July 14, 2006

(DATE OF SIGNATURE)

This is in response to the outstanding Official Action in
the above-identified application.

In the outstanding Official Action the Examiner rejected
claim 39 under the judicially created doctrine of obviousness-
type double patenting as being unpatentable over claim 39 of U.S.
Patent 6,613,044.

In response, Applicant has enclosed a terminal disclaimer to
overcome the judicially created doctrine of obviousness-type
double patenting rejection. This terminal disclaimer is believed

CARL-1 CON

Proff
Einf
MP
7/14/06